

FOURTH APPELLATE DISTRICT
DIVISION ONE
OCTOBER 4, 2004

D043380 T.H., a Minor etc. v. San Diego Unified School District

Judgment reversed. T.H. to pay District's costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J. (CERTIFIED FOR PUBLICATION)

D043313 People v. Lam

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Irion, J. (CERTIFIED FOR PUBLICATION)

D044045 In re Enrique D. et al., Juveniles

The judgments are affirmed. McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

D043106 People v. Robinson

The opinion dated September 14, 2004, is modified (there is no change in judgment).

FOURTH APPELLATE DISTRICT
DIVISION ONE
OCTOBER 5, 2004

D044074 In re Alec B., a Juvenile

The petition for rehearing is denied.

D041700 Edenbaum v. Ralph's Grocery Company et al.

The order denying the anti-SLAPP motions is affirmed. Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.

D045034 In re Charity on Habeas Corpus

The petition is denied.

D045033 In re Kobe on Habeas Corpus

The petition is denied.

D043360 Chow et al. v. San Diego County Civil Service Commission/Kolender et al.

The judgment of the superior court is affirmed insofar as it denies Chow's petition for a writ of mandate directing the Commission to hear and decide Chow's section 3304, subdivision (b), appeal of a written reprimand. The judgment of the superior court is reversed insofar as it denies Chow's petition for a writ of mandate directing the County to provide Chow with an administrative appeal sufficient to meet the minimum requirements of section 3304, subdivision (b). The cause is remanded to the superior court with directions to enter judgment granting Chow's petition for a writ requiring the County to provide him with a section 3304, subdivision (b) administrative appeal of his written reprimand. The parties are to bear their own costs on appeal. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.

D044127 Lopez v. Pacific Ship Co. et al.

For the foregoing reasons, the judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., Aaron, J.

D043871 In re Katelyn M., a Juvenile

The juvenile court's February 25, 2004 order is reversed to the extent that it strikes Nathan's name from the dependency petition filed on Katelyn's behalf. In all other respects, the order is affirmed. McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.

D045129 People v. Brierton

The transfer is denied.

D044856 Teresa L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Teresa L. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D042523 Doe v. Astrazeneca LP et al.

The May 2, 2004 order granting AstraZeneca's and Albertson's anti-SLAPP motion to strike the first amended complaint, and the corresponding awards of attorney fees and costs in their favor under the anti-SLAPP statute, are reversed. Doe shall recover her costs on appeal. Nares, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D044810 Golden v. Medrano et al.

Pursuant to California Rules of Court, rule 8, the appeal filed August 3, 2004, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal. (Cal. Rules of Court, rule 4(b) and 5(c)).

D043967 In re the Marriage of Lien

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

FOURTH APPELLATE DISTRICT
DIVISION ONE
OCTOBER 6, 2004

D044015 Margo G. v. County of San Diego

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D044876 Christina M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

D044990 Bernardo M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Bernardo M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed. The case is dismissed.

D044161 In re Isaiah D., a Minor

The order denying Mother's section 388 petition is affirmed. The order terminating parental rights is reversed and the matter is remanded with directions that the juvenile court order Agency to comply with the notice requirements of ICWA. If, after receiving proper notice, neither the BIA nor any tribe intervenes, the court shall reinstate its order terminating parental rights.

D045058 In re Kelly on Habeas Corpus

The petition is denied.

D045080 BBIC, PTE, LTD. et al. v. Superior Court of San Diego County/Buckley et al.

The petition is denied.

D042583 Kassab v. Foytack

The judgment is affirmed. Kassab is entitled to costs on appeal. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.

D044823 T.R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied.

D041819 People v. Butler

The conviction on count 1 for conspiracy to commit kidnapping for robbery is reversed. We remand the matter to the trial court for resentencing, including resentencing on count 6 for first degree robbery in accordance with this opinion and *Blakely*. In all other respects the judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

D043847 In re Kitty I. et al, Juveniles

The order is affirmed. McConnell, P.J.; We Concur: Nares, J., McDonald, J.

D045029 In re Neblett on Habeas Corpus

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
OCTOBER 6, 2004 (Continued)

D041356 In re Tobacco Cases II, JCCP 4042

The judgment is affirmed. Defendants are entitled to costs on appeal. McDonald, J.;
We Concur: McConnell, J., Nares, J.

**D044966 Amber M. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The attorney for petitioner Amber M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041375 People v. King

The request for publication is denied.

D044595 In re Jose Trujillo Romero on Habeas Corpus

Let a writ of habeas corpus issue directing the superior court to vacate the December 14, 1998, sentencing order and judgment of conviction, appoint counsel for Romero, resentence him, and enter a new judgment and amended abstract of judgment. This opinion is made final within three days to prevent frustration of the relief granted. (Cal. Rules of Court, rule 24(b)(3)). McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
OCTOBER 7, 2004

D045172 In re Karissa L., a Juvenile

The notice of appeal is untimely. The case is dismissed.

**D044373 Veronica H. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The request for publication of the opinion is denied.

D042798 People v. Alexander

The conviction is affirmed. The restitution order is modified to order Alexander to pay \$262.26.
Aaron, J.; We Concur: Haller, Acting P.J., Irion, J.

D043278 Johnson et al. v. State Water Resources Control Board

The order of dismissal is affirmed. The State Board is entitled to its costs on appeal. McIntyre, J.;
We Concur: McConnell, P.J., Nares, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
October 8, 2004

D045040 Thomas v. Superior Court of San Diego County/The People
The petition is denied.

D045060 In re Cruz on Habeas Corpus
The petition is denied.

D045061 In re Wilson on Habeas Corpus
The petition is denied.

D045062 In re Castro on Habeas Corpus
The petition is denied.

D045173 In re Williams on Habeas Corpus
The petition is denied.

D045078 Ortiz v. Superior Court of San Diego County/People
The petition is denied.

D043822 In re Nathaniel D., a Juvenile
The judgment terminating parental rights is reversed, and the matter is remanded to the juvenile court with directions to order Agency to comply with the notice requirements of ICWA and relevant case law interpreting ICWA. If, after proper inquiry and notice, a tribe claims Nathaniel is an Indian child, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, no response is received or no tribe claims that Nathaniel is an Indian child, the judgment terminating parental rights shall be reinstated. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D045183 In re S.C. on Habeas Corpus
The petition is denied.

D045188 In re S.C., a Juvenile
The petition is denied.

D044165 Tohidi v. Tri-City Hospital District

D044737 Tohidi v. Tri-City Hospital District

Appellants' unopposed motion to consolidate the above-entitled cases is granted. All future filings to be filed under case D044165.

D042717 Davila et al. v. J.W.D Enterprises Inc., et al./Rodriguez
Appellant, J.W.D. Enterprises Inc., has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal, filed by J.W.D. Enterprises Inc., is dismissed.